

Court of Appeals, State of Michigan

ORDER

People of MI v Christopher Steven Broughton

Docket No. 284414

LC No. 05-001544 FH

Peter D. O'Connell
Presiding Judge

Bill Schuette

Stephen L. Borrello
Judges

The Court orders that the delayed application for leave to appeal shall be TREATED as timely filed and reviewed on the merits even though it was not timely filed under either MCR 7.205(F)(3) or MCR 7.205(F)(4). See *People v Means*, 480 Mich 989 (2007), *People v McCoy*, 480 Mich 989 (2007), *People v Rodgers*, 480 Mich 989 (2007), and *People v Kipfer*, 480 Mich 990 (2007). Here, defendant was denied the effective assistance of appellate counsel because, although counsel was appointed September 11, 2007, counsel failed to understand that he was required to file the delayed application for leave to appeal within 12 months of the entry of the March 2007 judgment of sentence under MCR 7.205(F)(3) and that he could not toll the time period under MCR 7.205(F)(4) by filing a postjudgment motion since the motion would not have been filed within 6 months of the judgment of sentence. The time for further filings in this appeal begins to run on the date of the Clerk's certification of this order.

David Reams (P-62855), appointed counsel for appellant, shall pay to the Clerk of this Court, within 21 days of the certification of this order, court costs in the sum of \$250. Such costs are personal to the attorney and shall not be charged back to the County or to the State. See *People v Means*, 480 Mich 989 (2007), *People v McCoy*, 480 Mich 989 (2007), *People v Rodgers*, 480 Mich 989 (2007), and *People v Kipfer*, 480 Mich 990 (2007).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 25 2008

Date

Sandra Schultz Mengel
Chief Clerk